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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF FREEDOM OF EXPRESSION

Report submitted by Mr. Abid Hussain, Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, in accordance with Commission resolution 2000/38

Addendum

Mission to Albania*

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* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission and French only.

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Executive summary

This report has been prepared pursuant to resolution 2000/38 of the Commission on Human Rights. It presents and analyses information received by Mr. Abid Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, during his visit to Albania from 29 May to 2 June 2000, as well as information received from individuals and non-governmental organizations concerning allegations of violations of the right to freedom of opinion and expression.

The report contains an overview of the legal framework followed by the principal considerations and concerns of the Special Rapporteur with regard to freedom of opinion and expression in Albania. These include considerations with regard to the print and electronic media as well as particular concerns with regard to political expression and issues related to ethnic minorities, women and students.

The Special Rapporteur notes with satisfaction that the legal environment in Albania is in accordance with international standards in the field of human rights, particularly the legal guarantees of the right to freedom of opinion and expression. He can assert that, despite the difficult period of rapid political and economic change, freedom of opinion and expression is widely apparent in Albania. Nevertheless, he notes that freedom of the media has in practice been hindered to some extent by the restrictions on independent or opposition publications which result from financial pressure combined with pressure from political interests. The Special Rapporteur also observes that there is a need to improve professional standards and to provide more balanced and accurate reporting. The Special Rapporteur expresses the hope that, if the efforts undertaken in the area of public and private broadcasting are genuine, the process of licensing private radio and television stations can be completed in a fair and balanced manner.

In the light of the above, and as far as freedom of the media is concerned, the Special Rapporteur recommends the following to the Government of Albania:

(a) To amend the defamation provisions of the Penal Code so as to make this offence no longer punishable by imprisonment and to redefine the concept of a press offence;

(b) To consider all necessary measures to limit financial pressure on the media by reducing their taxes and providing funding facilities in order, for instance, to develop effective distribution systems;

(c) To take all necessary steps to safeguard the independence of the National Council for Radio and Television from political influence so to foster public confidence in the new system;

(d) To create a self-regulating complaints mechanism, such as a press council, which would be independent of State bodies and the judiciary;

(e) To end all intimidation and harassment of persons seeking to exercise their right to freedom of opinion and expression, in particular journalists and political opponents.

With regard to other issues related to the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur also recommends that the Government of Albania:

(a) Consider inviting the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women to visit the country;

(b) Publicize the 1999 access to information law and ensure its full implementation;

(c) Eliminate policies and practices that discriminate against women and raise public awareness on women's issues;

(d) Prevent any pattern of prejudice and discriminatory attitudes towards minority groups from developing;

(e) Disseminate basic human rights instruments and organize training in international human rights standards and practice for various groups of professionals;

(f) Ensure that specific time is allocated for human rights issues to be presented in radio and television programmes.

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON THE PROTECTION AND PROMOTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION ON HIS MISSION TO ALBANIA (29 MAY–2 JUNE 2000)

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Introduction

1. This report has been prepared pursuant to resolution 2000/38 of the Commission on Human Rights. It presents and analyses information received by Mr. Abid Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, during his visit to Albania from 29 May to 2 June 2000, as well as information received from individuals and non-governmental organizations concerning allegations of violations of the right to freedom of opinion and expression. The report does not cover the period leading up to the local elections held in Albania, nor the elections themselves on 1 October 2000.

2. By letter dated 18 March 1996 addressed to the Permanent Mission of Albania to the United Nations Office at Geneva, the Special Rapporteur sought the agreement of the Government for a visit in Albania. On 11 February 2000, the Government of Albania granted this request.

3. During his visit to Albania, the Special Rapporteur met with representatives of the Government, members of Parliament and the judiciary, the ombudsman, as well as with representatives of the main opposition party, non-governmental organizations active in the field of human rights, academics, professionals of the media sector, witnesses and victims of alleged violations and other members of civil society who were of interest to his mandate. A few weeks after the visit, he also had the opportunity to meet in Paris a prominent Albanian writer, Ismaël Kadaré.

4. The Special Rapporteur would like to express his gratitude for the cooperation extended to him by the Government of Albania in discharging his mandate. He would also like to express his appreciation to the Resident Representative and staff of the United Nations Development Programme for their efficiency in organizing the visit.

5. A list of persons with whom the Special Rapporteur met during the visit is contained in the annex to this report. The Special Rapporteur would like to take this opportunity to thank those he met for their generous efforts to assist him during his visit to Albania.

I. GENERAL BACKGROUND AND LEGAL FRAMEWORK

A. General background

6. At the end of the Second World War and upon the withdrawal of the German forces in 1944, the communist regime that was to hold power for the next four and a half decades, was established. During this period, Albania was not only almost entirely isolated from the rest of the world but was under the almost exclusive political control of Enver Hoxha, First Secretary of the Albanian Party of Labour. For about half a century, the communist regime in Albania reduced and banned fundamental freedoms, including freedom of opinion and expression. Media censorship was the rule and no political dissidence was allowed.

7. Since the end of the communist regime, Albania has embarked on a large-scale transition from an authoritarian to a more democratic State which has led to profound political, economic and social changes. In March 1992, the Democratic Party led by Sali Berisha won a majority of

seats in the Parliament in the first democratic elections to be held in more than 60 years. Constitutional reforms in 1992-1993 established Albania as a parliamentary republic based on the rule of law. The disturbances caused by the collapse of the so-called "pyramid investment schemes" led to the election of a new socialist majority on 29 June and 6 July 1997 which remains in power to date. The conflict in Kosovo in March 1999, with the massive influx of over 450,000 ethnic Albanian refugees, contributed to the exacerbation of political and economical difficulties. But the way the Albanian authorities handled the crisis allowed the country to improve its public image in the eyes of the international community. In addition, the Stability Pact for South-Eastern Europe initiated by the European Union and endorsed in July 1999 has guided Albanian foreign policy in its stated goals of joining the European Union and integrating into Euro-Atlantic structures.

8. In the past decade of transition, the Albanian population has experienced serious challenges including political and economical instability, poorly functioning institutions of governance and the proliferation of organized crime and corruption. At the same time, important steps have been taken and progress has been made towards implementing democratic principles and governance.

9. However, if a legal framework which is in accordance with international principles is well established in Albania, implementation and respect for the rule of law remain weak. Serious problems of corruption, ongoing tensions between the two major political parties (the Socialist Party and the Democratic Party), weak institutions and public administration are said to have a negative impact on citizens' trust in the Government and in the rule of law. Many voices were heard saying that the judicial system continues to suffer from the low number of trained professionals, and that corruption and a disrespect for legal norms are rampant. Owing to all these factors, the human rights situation remains unstable, despite significant improvements in the last three years.

10. In its difficult transition, Albania has, however, made great strides towards establishing media freedom. In particular, a diverse and critical print media has developed and private radio and television stations have proliferated. Efforts have also been made to build a strong legal framework, in accordance with the international standards in the field of freedom of opinion and expression.

B. Legal framework

11. In this section, the Special Rapporteur will briefly consider some aspects of the international and national legal framework governing the protection of the right to freedom of opinion and expression in Albania.

1. International obligations

12. Albania is a State Member of the United Nations and is thus bound to respect the rights and guarantees set out in the Universal Declaration of Human Rights, of which article 19 enshrines the right to freedom of opinion and expression.

13. Albania has also accepted a wide range of international obligations in the field of human rights, notably those contained in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It is, however, regrettable that the Government of Albania has not yet submitted any report to a United Nations treaty body.

14. The death penalty was abolished through a unanimous decision of the Constitutional Court on 10 December 1999. In April 2000, Albania signed the Protocol No. 6 to the European Convention on Human Rights, reaffirming the Government's commitment to the abolition of the death penalty. The Albanian Parliament is expected to ratify it soon.

15. Albania, furthermore, became a member of the Council of Europe in June 1995 and ratified the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in October 1996. Since 1991 Albania has also been a participating State in the Organization for Security and Cooperation in Europe (OSCE).

2. National legislation

16. In the past few years, new laws have been drafted and adopted by the Albanian Parliament which provide the legal framework for the creation of a democratic system and of a liberalized market environment.

(a) The Constitution

17. A new constitution, approved by a referendum on 2 November 1998, stipulates that Albania is a democratic State with a market economy that safeguards private property. It guarantees human rights in accordance with European and international standards as well as the separation of legislative, executive and judicial powers.

18. Article 22 of the Constitution guarantees freedom of expression and freedom of the media. Article 23 provides for the right to information, especially regarding State activities.

19. Equality before the law and non-discrimination are guaranteed by article 18. If the Constitution states that political parties can be created freely, it also prohibits in article 9 the formation of any party or organization that is totalitarian; incites and supports racial, religious or ethnic hatred; uses violence to take power or influence State policies; or is non-transparent or secretive in character.

(b) Legislation governing the press and other media

20. On 4 September 1997, a new press law was adopted replacing a more restrictive law from 1993. This new legislation declares that "the press is free" and "the freedom of the press is protected by law".

21. A new law on public and private radio and television was passed by the Parliament on 30 September 1998 which creates the National Council of Radio and Television responsible for issuing private radio and television licences.

22. On 30 June 1999, a law on the right to information concerning official documents was adopted by the Parliament and entered into force in January 2000. This law guarantees the right to get information about an official document without being obliged to explain the reasons for such request (art. 3).

23. A law adopted on 11 February 1999 regulates classified information in Albania. This law provides the rules for the classification, usage, storage and declassification of information on national security that is considered a "State secret".

(c) Other laws and institutions with a direct impact on the exercise of the right to freedom of opinion and expression

24. Under article 46 of the Constitution, everyone has the right to organize collectively for any lawful purpose, and the registration of organizations is provided for by law. Similarly, article 47 provides that the freedom to hold peaceful meetings and to participate in peaceful meetings is guaranteed. Article 9 of the Constitution also sets out the right to freely create political parties in conformity with democratic principles. However, political parties and other organizations whose programmes and activities are based on totalitarian methods or which support or incite racial, religious, or ethnic hatred are prohibited by law.

25. According to articles 119 and 120 of the 1995 Criminal Code (as amended by the Law of 4 June 1999), insult and libel ("intentionally spreading rumours ... which affect the honour and dignity of the person"), if committed publicly, are punishable by a fine or up to two years' imprisonment.

26. An important step has been the creation of an ombudsman mechanism. Provided for in article 60 of the 1998 Constitution to implement human rights more effectively in the country, the first ombudsman (People's Advocate) was elected by the Parliament on 16 February 2000 following the adoption of a special law "on the People's Advocate", which was approved by the Parliament on 4 February 1999. At the time the Special Rapporteur visited Albania, the Ombudsman - Mr. Ermir Dobiani - was organizing his office and recruiting his staff. One of the new Ombudsman's responsibilities will consist of verifying whether the new media law is implemented fairly. The Special Rapporteur considers that the Ombudsman will need time and support to set up a properly functioning structure to carry out his mandate.

II. PRINCIPAL CONSIDERATIONS AND CONCERNS

A. The media

27. In order to assess the situation of the right to freedom of opinion and expression in Albania, the Special Rapporteur met with a large number of media professionals and with various private and public bodies dealing with the subject.

1. The print media

28. At present, there are about 12 daily newspapers in Albania and 6 main weeklies. Most of the privately owned press is composed of political party organs and other more independent titles. There is a concentration of printed media in Tirana whereas the regions have only few newspapers which often do not appear regularly.

29. The Albanian press is characterized by its variety since political parties, trade unions and various groups publish their own newspapers or magazines. An estimated 200 publications are available, including daily and weekly newspapers, magazines, newsletters and pamphlets.

30. During his mission, the Special Rapporteur noted that the Government of Albania generally respects freedom of the press. No allegations of systematic interference by the Government in the work of journalists and editors were brought to his attention. Nevertheless, direct and indirect pressure against the press can be observed to continue.

31. The Special Rapporteur considers as direct pressure certain cases of harassment, physical assault or violence against journalists which were transmitted to him during the mission. It is a fact that violations of press freedom have decreased considerably since 1998. Indeed, before 1998, the Special Rapporteur used to receive on a regular basis a large number of complaints related to beatings, imprisonment and harassment of journalists. In particular, the independent daily Koha Jone, which often criticized the Government, was subject to constant harassment by the authorities. In this regard, the Special Rapporteur had sent two communications, on 30 June and 26 September 1994, to the Government concerning the arrest of Alexander Frangaj, editor-in-chief of Koha Jone, and its reporter Martin Leka. They had been charged with "slander and publication of fallacious data" in connection with an article published by Mr. Leka about a document from the Minister of Defence. On 21 March 1996, the Government informed the Special Rapporteur that after the court had sentenced Mr. Frangaj to a 5-month term of imprisonment and Mr. Leka to an 18-month prison term for slander, the President had pardoned the two journalists on 3 May 1994.

32. The anti-Government riots provoked by the collapse of Albania's financial pyramids in 1997 also led to censorship and a wave of detentions of journalists, especially at the time when the state of emergency was declared on 2 March 1997. Cases of killings of journalists were also reported during that period, such as the killing of Ali Ramadan Ukaj, a Kosovar student at the Faculty of Journalism and a journalist with Gazeta Shqiptare, who was found dead in his apartment on 29 July 1999 in Tirana.

33. From the information collected during the mission, it is clear that there has been a significant reduction in the number of cases of violence against journalists since 1998. Therefore, the allegations which were brought to the attention of the Special Rapporteur during the mission should be considered more as isolated incidents than a systematic pattern. They mainly result from the settling of scores between supporters of former President Sali Berisha and members of the ruling Socialist Party.

34. Disturbing incidents of violence against journalists remain of concern and the Special Rapporteur would like to draw the attention of the authorities to some of them. The Special Rapporteur was informed that attacks against the media consist mostly of beatings by the police and attacks by unknown assailants. It was reported that in February 1998, police officers in Librazhd beat two journalists, Rexhep Polisi and Ylli Dosku. Both had been accused of untruth, offence and slander in their writings. Shortly after, Irena Vreto, a correspondent for Republika newspaper, Aleko Likaj, correspondent of the newspaper Koha Jone and Hyqmet Zane, correspondent for the newspaper Albania, were beaten and ill-treated by the police in two separate incidents.

35. On 29 June 1999, two unidentified persons threatened and hit journalist Avni Neza of the newspaper Republika after he left the newspaper's offices. According to the source, this attack was linked to several articles he had written in connection with mafia structures which were supported by State officials.

36. On 2 July 1999, it was reported that two employees of the newspaper Koha Jone, Riza Sadiku and Hysen Murati, were severely beaten by police officers of the Elbasan police station. According to the medical report, Rida Sadiku suffered from brain injuries resulting in temporary incapacity for 14 days.

37. In September 1999, the independent press accused the Tirana Chief of Police of violence against a cameraman from a private television channel who was filming a murder victim. The cameraman was allegedly beaten by the police on orders of the Chief of Police who was present at the scene. Furthermore, it was reported that unidentified gunmen shot and seriously injured journalist Vjollca Karanxha while she was filming in Pogradec, southern Albania, on 23 November 1999. Ms. Karanxha is a reporter for the local television station RTP and is known for having written about the role of local officials in smuggling and corruption. As a result of the attack, the journalist reportedly needed emergency hospital treatment. The Special Rapporteur was told that the police had opened an inquiry to determine the exact circumstances of the attack. Moreover, on 5 March 2000, journalist Armand Baze from the independent radio station ABC of Korca was reportedly beaten by a policeman who also mistreated the editor of the Korca television station. According to the source, the police were attempting to "shut the mouth" of ABC radio which had become a voice for the expression of democratic opinions.

38. The Special Rapporteur would suggest that the number of attacks is in direct relationship to the high politicization of the Albanian press. Indeed, more than half of the newspapers are party newspapers. Moreover, the Special Rapporteur is concerned that those responsible for attacks against journalists include not only the police, but also various other public actors such as politicized groups of individuals, ordinary groups of individuals, as well as particular individuals. According to certain sources, the problem of the safety of journalists - and of the Albanian population in general - will endure as long as armed gangs continue to roam the country with impunity.

39. As far as attacks by police are concerned, some improvement has been noted. In this regard, the Special Rapporteur met during his visit with Mr. Sadil Canaj, Chef de Cabinet of the

Minister of Public Order with whom the question of police violence was raised. The Special Rapporteur was told that efforts are being undertaken to train the police to respect basic human rights and that relations between the police and the media had indeed improved.

40. The Special Rapporteur noted with satisfaction that no journalists are currently detained in Albania. The most recent case which was reported to him was the arrest on 16 September 1999 of Alfons Zeneli, journalist of Radio Contakt, for his live broadcast on 14 September 1999 of the violence that erupted following the assassination of Azem Hadjari, a member of Parliament. According to the source, Mr. Zeneli is still under surveillance.

41. The Special Rapporteur notes that the Government still has broad powers to threaten and restrict the media through the 1995 Criminal Code. Although no journalist has recently been sentenced to imprisonment for defamation, the offence remains in the Criminal Code and continues to be referred to as a criminal offence from time to time.

42. The Special Rapporteur is of the view that defamation should be removed from the Criminal Code and treated as a civil offence instead. He takes this opportunity to recall his last report in which he urged Governments to ensure "that press offences are no longer punishable by terms of imprisonment, except in cases involving racist or discriminatory comments or calls for violence. In the case of offences such as 'libelling', 'insulting' or 'defaming' the Head of State and publishing or broadcasting 'false' or 'alarmist' information, prison terms are both reprehensible and out of proportion to the harm suffered by the victim. In all such cases, imprisonment as punishment for the peaceful expression of an opinion constitutes a serious violation of human rights" (E/CN.4/2000/63, para. 205).

43. The Special Rapporteur's attention was also drawn to the fact that cases of defamation in Albania are often brought to court with insufficient evidence. The procedure for bringing a defamation suit should therefore also be amended to require the plaintiff to show prima facie that there was a defamatory statement.

44. During the mission, the Special Rapporteur had the opportunity to meet with Adrian Dvorani, Head of the Codification Department of the Ministry of Justice, and part of the discussion concerned provisions in the Penal Code regarding prison sentences for journalists. After the mission, information concerning guidelines on freedom of expression and defamation[1] were transmitted to Mr. Dvorani. The Special Rapporteur was also told that the Parliament - in the form of the Parliamentary Media Commission and the Parliamentary Legal Commission - has started working on amendments to the law. He considers these developments to be very positive and wishes to encourage them.

45. The Special Rapporteur was also informed that new laws on access to information and classified information were passed in 1999. The law on freedom of information on official documents provides that freedom of information is the presumption and withholding of information is the exception. This law imposes on the administration the duty to provide updated information in a manageable format and identifies certain categories of information which should be available to the public. According to the law on classified information, official information may only be classified for the sake of national security. Both laws meet international standards but their implementation remains weak. The Special Rapporteur was told

that a tradition of secrecy endures in Albania. The extremely strict censorship, strengthened by self-censorship of journalists, which existed for 50 years has left a lasting imprint. Today, formal censorship does not exist but old reflexes remain. For instance, obtaining information from governmental institutions is still difficult for journalists. During his visit, the Special Rapporteur met with the Spokesperson for the Attorney-General and attended a press briefing with him. The Special Rapporteur had the feeling that contacts with the press were very open and even friendly. However, the Special Rapporteur was informed that much of the information given out by spokespersons for the ministries is formal, not substantive. In most cases, information remains in the hands of officials. The attention of the Special Rapporteur was drawn to the fact that as a result of the limited availability of official documents and information, journalists are forced to look for this information through different means, which tends to lead to inaccuracy or incidents where journalists are completely unprotected. The Special Rapporteur believes that regular press conferences or weekly press briefings given by public institutions would be a solution to the problem of misinformation and misunderstanding.

46. Furthermore, the Special Rapporteur notes that indirect pressure against the Albanian press still exists. Economic dependence and financial pressure are impeding the free flow of information. Several interlocutors reported that the Albanian press has difficulty financing their operations, particularly because of the high taxes payable by newspaper publishers which make newspaper publishing an expensive and unprofitable business. In addition, difficulties such as the high price of paper and other materials, the artificially low cover price of newspapers geared to the low average income of the readership and a poor distribution infrastructure - particularly in rural areas - make it difficult for newspapers to increase circulation. Indeed, circulation of newspapers and readership are decreasing owing to the competition with broadcasting media. Between 1998 and 1999, newspaper circulation dropped from 85,000 to 65,000 copies while the popularity of television continued to expand.

2. The broadcast media and the Internet

47. The proliferation of private broadcasters started in December 1995, date of the creation of the first Albanian private television station. In just three years, the number of private television stations - which are operating, unregulated, all over the country - has increased to over 50. Most of them are regional and local.

48. The Special Rapporteur was informed that all these private stations broadcast without a licence and that the licensing procedure, which was supposed to start after the adoption on 30 September 1998 of the Law on Public and Private Radio-Television, was delayed. The objective of the new law was to promote a more stable broadcasting environment.

49. In April 1998 the Parliamentary Commission on the Media presented a draft broadcasting law which sets licensing standards for private stations, eased licensing requirements and provided for a National Council of Radio and Television which would play an important role in the licensing process. On 30 September 1998, the Parliament passed the new broadcasting law and created the National Council of Radio and Television (NCRT), an autonomous body responsible for issuing private radio and television licences. According to article 7.6, NCRT "shall organize a transparent granting of licences and guarantees equality of treatment of

applicants". NCRT must also announce "the reasons for the refusal, suspension or revocation of the licence" and the party concerned can file a complaint with the competent court. The Special Rapporteur considers this law to be in line with international standards and to be an improvement over previous legislation. In particular, the Special Rapporteur welcomes the emphasis on transparency, and the combination of administrative and judicial review.

50. During his visit, the Special Rapporteur had the opportunity to meet with two of the seven members of the Council. They informed him that they were appointed for a term of five years and that three of the seven members were appointed by the ruling parties, three others by the opposition parties, and one member by the President. They also told him that around 130 applications for new radio and television outset were pending, which is a very high number for such a small country. The two members assured him that the licensing of private radio and television stations would begin soon and would consist of assigning national and local frequencies and organizing a public tender for frequencies. Indeed, a few months after the mission, the Special Rapporteur was informed that the allocation of a limited number of broadcast licences had started.

51. In view of the highly politicized climate in Albania, the Special Rapporteur hopes that particular efforts will be made to ensure that the appointees to NCRT are genuinely non-political representatives of the public interest. In addition, he would encourage the nomination of minority representatives and women to the Council.

52. While no allegation of interference by the Government in the work of private broadcasters has been brought to the attention of the Special Rapporteur, he did note that private television stations in Albania are operating in a very politicized environment, which allows direct or indirect pressure from political parties. Indeed, some stations have direct links with political parties or have specific political agendas. Therefore, most of the private broadcasters have largely steered clear of politically sensitive issues, such as news reporting and current affairs, and have concentrated on entertainment programming. This is also the reason why the Special Rapporteur considers the licensing of television channels important for the good functioning of the media. Once it is done, broadcasters will be able to concentrate more on raising the production quality and economic viability of the stations.

53. Furthermore, the Special Rapporteur noted that although the private television industry in Albania is a sector of entrepreneurial initiative, it is suffering from a lack of financial resources, experience and training,[2] which has a direct impact on the programming. The Special Rapporteur was told that only a few television stations provide a comprehensive news bulletin and that most of the programming consists of pirated foreign and domestic movies or music videos.

54. In addition to private television stations, Albania has a public television, namely Albanian Radio and Television (RTSH). Television in Albania was a State monopoly and an instrument of propaganda until recently. Soon after the Socialist-led Government came to power, measures were adopted to amend restrictive media legislation. On 2 September 1997, the Parliament amended the broadcasting law, stipulating that the then State-owned RTSH give more time to "alternative opinions". The new broadcasting law adopted on 30 September 1998 contains a section on the new public television.

55. The Special Rapporteur was informed that in May 1999 RTSH was effectively converted into a public entity which is no longer financed by the State and has no direct connection to the Government. It is now run by the Leading Council for Radio and Television, a body elected by the Parliament. Article 36 of the Act that created the public television provides for "impartiality, completeness and plurality of information" which indirectly should guarantee fair and proportionate coverage for rival political parties. However, some criticisms were brought to the attention of the Special Rapporteur, in particular that the broadcasting time is still disproportionately allocated. It was also mentioned that the new National Council for Radio and Television is still sensitive to political influence. The Special Rapporteur believes that Albanian television, in particular public television, should ensure a balanced allocation of time between entertainment, educational programmes, political parties and minorities.

56. The Special Rapporteur had the opportunity to meet with the Director of the public television who admitted that the transition was very difficult, especially because of the lack of financial resources. The Special Rapporteur considers the transition between State-owned television and public television to be a very important step. Therefore, he is of the view that during this transitional period, the Government should not withdraw its financial participation completely. At the same time, it should not allow itself to interfere in the programming of this particular television station.

57. As far as the development of the Internet in Albania is concerned, the Special Rapporteur was told that no interference or control by governmental authorities is exercised. The Special Rapporteur noted that in the last two years the Internet has become well developed in the public and private spheres of the country. The most powerful Internet connection was established by the Soros Foundation in May 1997 and this system provides most university departments with e-mail and Internet access. There are now nine licensed Internet providers which are all located in Tirana.

3. The issue of journalistic ethics

58. The Special Rapporteur noted that in Albania, the media are powerful and can influence public opinion. The Albanian media are not only active but unrestrained, and sometimes even aggressive with readers. As a result of weak professional education, a repressive tradition and a lack of experience, Albanian journalism suffers from a lack of good analysis and has yet to evolve a sense of journalistic responsibility or professional integrity. The Special Rapporteur's attention was drawn to the fact that a lot of sensationalism appears in the newspapers and that the political party-oriented newspapers in particular print rumours, unsubstantiated accusations and outright fabrications. Despite the fact that some publications appeared to be making efforts to increase professional standards and to provide more balanced and accurate reporting, standards of journalism remain relatively low and professionalism is often ignored in the ongoing competition for readership.

59. If this situation is partly due to a lack of professional maturity and education - although a faculty of journalism was created in 1992 - another important factor is the politicization of the press, reflective of the high level of politicization of the society. Nearly every newspaper or electronic media outlet has a political affiliation, either with the Socialist Party or the Democratic Party. The Albanian press is dominated by political conflicts and since most of the newspapers

have to support political groups, information is sometimes exaggerated, manipulated, or is simply not reported, which leads to readers being misinformed. Furthermore, politicization is visible even within journalists' associations, dividing and weakening them in their defence of journalists' rights. Indeed, according to various media analysts, the problem of journalistic ethics in Albania is linked to the lack of job security in the field of journalism. The majority of journalists are young and inexperienced and if they do not write according to their editors' bidding, they reportedly run the risk of being fired.

60. The Special Rapporteur considers that the strengthening of journalistic professionalism and ethics could have a positive influence in decreasing confrontations between political parties and journalists. It would also contribute to lowering tensions amongst journalists themselves by not creating conflicts of interest between them. The Special Rapporteur was told that there is a code of ethics which was agreed in 1998 jointly by the two main journalists' associations: the League of Journalists of Albania and the Association of Professional Journalists of Albania. However, it has been alleged that apart from publishing it, the two associations have done very little to promote this code. In addition, there is no implementing mechanism and no sanction, even in the form of condemnation by peers, when the code is not respected.

61. On the other hand, the Special Rapporteur has noted with appreciation that some initiatives are being taken to train journalists and strengthen their professionalism. In particular, he met with the Albanian Media Institute, a non-governmental and non-profit organization whose main objective is the development of professional standards of journalism and the encouragement of free and independent media in Albania. Its projects include the creation of a self-regulatory body and the training of journalists on human rights issues, including the right to privacy, the role of the media in election campaigns and the right of journalists not to disclose their sources of information.

62. The Special Rapporteur has also learned that within the Stability Pact, a project is being implemented to create a training centre in Albania which would cover the whole region and where young journalists could be trained.

63. The lack of standards for journalism has led to a controversy regarding the 1997 Press Law, which consists only of two articles: 1. The press is free; 2. Freedom of the press is guaranteed by law.

64. The Special Rapporteur has noted from discussions with his various interlocutors that there is a desire for a more comprehensive press law which would regulate relations between editors, journalists, the State and the readers. According to some of the Special Rapporteur's interlocutors, the absence of a comprehensive press law constitutes a "legal vacuum" which leads on the one hand to a misuse of the press owing to unlimited freedom and, on the other, makes journalists vulnerable to trial and punishment for violations of the Penal Code, which provides for severe punishment such as high fines or prison sentences.

65. The Special Rapporteur is not in favour of the inclusion of new limitations or restrictions in the Press Law. He is of the view that a concise press law is preferable to a long law which

future Governments could abuse. At the same time, if it is decided to amend this particular law, such amendment should only be done to provide guidance and to establish in writing certain rights, such as protection of sources.

66. What seems to be most lacking in the current situation is a moral structure, which could be instituted through a code of ethics for editors and journalists aiming at making them aware of their important mission in society. In this regard, the Special Rapporteur considers that the most appropriate way to address the problem is through a complaints mechanism, defined by the professionals themselves, where journalists as well as the public could submit complaints, request advice and obtain redress. This mechanism should be established on a voluntary basis by the media themselves and be composed of media professionals appointed by independent associations specialized in this field and representatives of the public at large. In the absence of such an initiative, the Government might decide to take steps to set up a statutory body. The Special Rapporteur views the purpose of a complaints mechanism to be a remedy to those who have been unfairly treated by the media. Such a mechanism, if independent, accessible and objective, is indeed the most appropriate way to balance freedom of expression and other individual rights.

67. The Special Rapporteur notes that the law on public and private radio and television provides in article 18 for a complaints council which aims at ensuring that radio and television produce their programmes in a morally and ethically responsible way. However this complaints council deals only with the electronic media, not with the press.

B. Other concerns relevant to the promotion and respect for the right to freedom of opinion and expression

1. Political expression

68. The political situation in Albania remains confrontational especially between the ruling Socialist Party and main opposition Democratic Party (DP) led by Sali Berisha, former President of Albania. The complete polarization between the two makes constructive cooperation impossible in most cases. Though DP initially recognized the results of the June 1997 elections, it has repeatedly called for early elections and continued protests against the Government. In particular, it has boycotted the Parliament several times, questioning its legitimacy. In July 1999, DP ended a 10-month boycott of the Parliament during which it refused to participate in all government functions at the national level. According to DP, its boycott, which was the second in recent years, was based on charges of unfair practices by the ruling Socialists and their coalition partners. Former President Berisha returned to the Parliament in July 1999 after the Government committed itself to investigating fully and fairly the murder of DP parliamentarian Azem Hadjari.

69. According to members of DP with whom the Special Rapporteur met, the Socialist Government is responsible for the murders of some 24 members, supporters, local government officials and former national officials of the party between 1997 and 1999. Amongst them was Mr. Hadjari, a leading member of DP who was killed with his bodyguard in Tirana on 12 September 1998 by unknown individuals. During the funeral procession on 14 September, it was reported that armed DP supporters briefly occupied the Prime Minister's office and the

Albanian State television and radio building. Allegations regarding incidents of police harassment of DP members and the dismissal of some of its members from official positions for political reasons were also brought to the Special Rapporteur's attention. The Democratic Party accuses the Government of failing to investigate these crimes and prosecute anyone for the murders. These allegations of government involvement in political killings have, however, not been confirmed by other sources.

70. It has also been alleged by DP members that in September 1998, the police arrested a number of individuals associated with the Democratic Party who participated in the events of 14 September 1998 and who were charged by Prosecutors with taking part in an "armed rebellion" and in a failed coup d'état. Ekrem Spahia, Chairman of the Legality Party (the monarchists) and 12 members and supporters of the party are reportedly being tried for participating in the events of 1 September which followed the murder of the Democratic Party parliamentarian Azem Hadjari. According to the information received, the case has not yet come to trial and the detention of these individuals is politically motivated.

71. According to the information brought to the attention of the Special Rapporteur, on 7 March 2000, the Chief of Police of Elbasan, Edmond Koseni, maltreated Vladimir Nikolla in the vicinity of the Faculty of Economics because Mr. Nikolla's car bore symbols of the Democratic Party.

72. The Special Rapporteur noted that the Government of Albania usually respects the right to peaceful assembly. Rallies and demonstrations are very common and the Government does not prevent them, even when violence seems possible or when permits have not been issued. Only limited cases of intimidation by the police for participating in opposition rallies were reported to the Special Rapporteur. However, some people have claimed to have been fired from their jobs because they participated in opposition rallies.

73. In the light of the information received, the Special Rapporteur considers that there is more confrontation than competition between political parties in Albania.

2. Particular issues

(a) Ethnic minorities

74. Like most Balkan countries, Albania has a number of ethnic minority groups on its territory. The largest ethnic minority is Greek and they mainly live in the south. There are also populations of ethnic Macedonians and a small number of Serbs, Vlachs and Roma.

75. The rights of these groups have improved since 1990, in accordance with Albania's general process of democratization. Article 20 of the Constitution provides for the full equality of national minorities before the law, human rights and freedoms. According to the same article, they have the right to freely express without prohibition or compulsion their ethnic, cultural, religious and linguistic identities. Also, article 38 of the 1998 law on public and private radio and television prohibits broadcasting programmes that promote violence, national, religious or racial hatred, and political and religious discrimination. However, no specific provision in the law guarantees allocation of licences to radio and television stations serving minority

communities. In addition, the Special Rapporteur was told that the Albanian Parliament ratified in 1999 the European Framework Convention for the Protection of Minorities which the Government had signed in 1995.

76. Despite this legal framework, the Special Rapporteur was nevertheless informed that in practice discrimination and violence against ethnic minorities, particularly Roma, continues. Official figures indicate that 1,300 Roma live in Albania whereas according to other sources, more than 100,000 Roma live in Albania, spread throughout the Republic, 90 per cent of whom are illiterate. It has been reported that Roma are particularly vulnerable to human rights abuses, often committed by the police. They are also increasingly becoming the target of racism and discrimination by the general population, sometimes resulting in physical violence. In addition, the Roma population is discriminated against in many areas of social and economic life, leading ultimately to their social exclusion.

77. The Special Rapporteur learned with concern that the Albanian media play an important role in maintaining prejudice against Roma, by showing them only in specific minority-related roles and rarely as integrated and active participants in the society. Some concrete cases of harassment of members of the Roma minority were brought to the attention of the Special Rapporteur, in particular a case involving the Roma newspaper Amaro Dives which was suddenly expelled from its offices by order of the municipality of Tirana. The Roma population also complains of a lack of support and willingness to help Roma newspapers and associations. Roma papers are apparently published on an irregular basis owing to increasing logistical difficulties.

78. Estimated at between 70,000 and 300,000, the Greeks remain numerically the largest minority in Albania and are concentrated in the south of the country. There is in general a strong tradition of normal and friendly coexistence between the Albanian majority and the Greek minority. The latter have their own media in the south and their own political party. In the past, and especially before 1998, journalists from Gjirokaster (southern Albania) faced difficulties such as limited access to information, poor equipment, low salaries, and threats and reprisals from various quarters as a result of the information they published. On 26 September 1994, the Special Rapporteur had transmitted to the Government of Albania a communication concerning intimidation and harassment by the police against five Greek journalists who were attending the trial of some members of the Greek minority. The journalists concerned were T. Dimopoulos and K. Papadopoulos, two technicians from the Greek radio station Sky; A. Vavoritou, a journalist from the Greek daily Star; and A. Markelos and V. Siouri from the radio stations Sky and Flash respectively. They were reportedly arrested on 6 and 7 September 1994 and later deported to Greece.

79. The Greek minority is represented in the current Government and participates actively in various political parties. Nevertheless, the Greeks are said still to face insufficient opportunities for Greek-language education. They also request more participation in local affairs. According to the source, members of the Greek minority face discrimination in the public sector, in particular when looking for work. Five newspapers and two magazines are published in Greek in the South, amongst them Zeri i Omonias and Laiko Vima.

80. If it is true that the Government of Albania took steps to improve the treatment of ethnic minorities, the Special Rapporteur considers that more has to be done to integrate them. The Albanian media should help in this regard and be prevented from promoting any kind of racism and discrimination against minorities.

(b) The situation of women

81. The Special Rapporteur was informed that the Albanian legislation provides for protection against discrimination on the basis of gender. In addition, no legal impediments hinder the full participation of women in Government. The recent opening of Albanian society and its democratization have brought about more freedom for women. The major political parties have women's organizations and have women serving on their central committees.

82. But despite some progress, the small number of women in decision-making positions in central and local government shows that the Albanian woman is far from being and acting as an equal partner in the country's development. Indeed, the Special Rapporteur noted that women continue to be underrepresented in both politics and Government. Paradoxically, it seems that the emergence of a more democratic society has not in fact led to greater participation of women in decision-making but in a greater exclusion of women from public life and political participation. Like other countries in transition, Albania has experienced a sharp decrease in the percentage of women in Parliament, from 30 per cent in 1974 to a mere 7.3 per cent in 1997.[3] Currently, only 11 of 155 members of Parliament are women; one is serving as Deputy Prime Minister - Ms. Makbule Ceco - and three others are ministers in the current Government.

83. Furthermore, if women are not excluded, by law or in practice, from any occupation, they still are not well represented at the highest levels of their professions. If women enjoy equal access to higher education, they are not accorded full and equal opportunity in their professional lives. Journalism is no exception. Although women are more numerous than men in this field, they still do not occupy the leading positions in the media. In addition, they are paid very little in comparison with male journalists.

84. Some encouraging steps have been taken to increase women's presence at all levels. There is a parliamentary commission composed of women deputies whose mandate is to protect and promote human rights and to advise the legislature on gender issues. A Department for Women and Family, created within the Ministry of Labour, Social Affairs and Women, recently became the State Committee on Women and Family. Furthermore, within the framework of the Stability Pact, 1,000 women were trained to run as candidates in the October 2000 local elections, as part of the implementation of a project. Round II of this project was to train women for the general elections of 2001. The mushrooming of NGO movements has also allowed for the creation of new women's organizations advocating equality for women.

85. The Special Rapporteur's attention was drawn to the fact that Albania is a male-dominated society and that domestic violence against women still occurs in Albania. Most abuses continue to be unreported. Moreover, there is no Government-sponsored programme to provide assistance for victims of domestic violence and more generally to protect the rights of women. It is to be noted that in the north-eastern part of the country, men still

follow the traditional code known as the kanun, in which women are considered chattel and may be treated as such. According to the kanun, it is also acceptable to kidnap young women to make them brides.

86. Trafficking of women and girls for the purpose of forced prostitution is also a significant problem in the country. Albania is both a transit and a source country for such trafficking, which consists in recruiting or coercing women by criminal gangs to work as prostitutes abroad, most often in Italy and Greece. The Special Rapporteur noted that a number of local women's associations and NGOs are seeking to raise public awareness about prostitution and related crimes. However, most of these organizations are small, with few resources and almost no external support.

87. In this regard, the Special Rapporteur was informed that there is a very small number of specialized publications and limited research on women's issues. There is no promotion of books or other publications on gender studies and on the history of the women's movement in Albania, and there are no translations of research or publications available in foreign languages.

(c) The situation of students

88. During the mission, the Special Rapporteur had the opportunity to meet with student representatives. They were unanimous in affirming that students are free to demonstrate but that most of demonstrations are politically motivated and taken over by political parties. According to students from the Faculty of Journalism, the large number of students who work as free-lance reporters at certain newspapers had the feeling that there are still some taboo issues, like drugs, trafficking of women, prostitution and street children. If such is the case, the Special Rapporteur considers that the public has the right to be informed about such important issues which also have to be faced by the authorities.

III. CONCLUDING OBSERVATIONS

89. The Special Rapporteur welcomes the expressed commitment of the Government of Albania to democracy, the rule of law and human rights, in particular the right to freedom of opinion and expression. He notes with satisfaction that the legal environment in Albania is in accordance with international standards in the field of human rights, particularly the legal guarantees offered to the right to freedom of opinion and expression.

90. The Special Rapporteur observes that Albania is undergoing a difficult period of rapid political and economic change, and is encountering many challenges similar to those confronting other countries in transition to democratic rule and a market economy. The Special Rapporteur wishes to recall that democracy and the rule of law are essential for the fundamental well-being of Albania. In this context, he wishes to emphasize the crucial role of freedom of opinion and expression and information in giving substance to democratic development and respect for human rights.

91. The Special Rapporteur can assert that freedom of opinion and expression is widely apparent in Albania. Censorship was abolished some years ago, and the media have been

operating in a free and independent environment since the elimination of the State monopoly. The Albanian media are dynamic and unrestrained and have played a positive role in Albania's democratic transition.

92. However, the Special Rapporteur notes that Albania still suffers from the general lack of a rights-oriented culture owing to many years of totalitarian rule and political isolation. True respect for freedom of opinion and expression in Albania requires a change in social and cultural attitudes and practices, in addition to legislative reforms. This change of mentality in favour of the respect of law can only be achieved with the support of particular sectors of the society, in particular politicians, members of administrative bodies and the judiciary. The recently appointed Ombudsman should help to create a culture of democracy and human rights. In this regard, the Special Rapporteur wishes to encourage the work of this new institution and call on other parties to lend their cooperation.

93. The Special Rapporteur observes that the media in general lack credibility in the eyes of their public. Widespread criticism of the misuse of freedom by journalists and the unreliability of their work were described to the Special Rapporteur. There is a need to improve professional standards and to provide more balanced and accurate reporting. A more tolerant approach has also to be adopted by the media, which should include growing journalistic ethics and more professional integrity.

94. The Special Rapporteur notes that the legacy of the past still influences practices and attitudes in Albania. The very polarized Albanian political class continues to be defined by the logic of conflict and exclusion of the other. The Special Rapporteur is of the view that the Albanian political class should aim at distancing itself from the legacy of the past and redefine itself along the lines of tolerance and sensitivity to others.

95. The Special Rapporteur is convinced that the media have a crucial role to play in the consolidation of democracy in Albania. Television in particular has an informative but also an educative role to play. The Special Rapporteur notes that Albanian society is more oriented towards politics than information, which is the case for most of the countries in transition.

96. Freedom of the media has in practice been hindered to some extent by the restrictions on independent or opposition publications which result from financial pressure combined with pressure from political interests. The Special Rapporteur would like to emphasize his view that the right to freedom of opinion and expression should not be limited by indirect methods and means such as high taxation or the intervention of political parties.

97. The Special Rapporteur also remains concerned at allegations - even though unsystematic - regarding physical attacks against journalists and opposition political activists. Adequate and fair implementation of the laws should help to improve the situation.

98. The Special Rapporteur welcomes the efforts undertaken in the area of public and private broadcasting. The Special Rapporteur hopes that the process of licensing private radio and television stations will be completed in a fair and balanced manner.

99. Even if access to information is legally guaranteed, the Special Rapporteur would recommend that the new legislation be implemented effectively. Efforts should be made to abolishing the culture of secrecy, a heritage of the past, and promote full access to information in the public interest. The Special Rapporteur is of the view that a democracy can only operate if the citizens and their elected representatives are fully informed. Moreover, the Special Rapporteur considers that journalists, in order to be able to carry out their role as "watchdogs", need to have access to information held by public authorities.

100. Finally, the Special Rapporteur welcomes the positive measures taken in recent years to promote and guarantee the right to freedom of opinion and expression of minorities. However, he notes that additional efforts should be undertaken in order to make the Albanian media more sensitive to the needs of minorities, in particular the Roma population, and to eliminate prejudices which hinder their full integration.

IV. RECOMMENDATIONS

101. On the basis of the observations and concerns set out in the previous section, the Special Rapporteur would like to offer the following recommendations for consideration by the Government. In view of the open and constructive exchanges of views that took place during his visit, the Special Rapporteur is convinced that these recommendations will be received in a spirit of shared commitment to strengthen the promotion and protection of the right to freedom of opinion and expression.

102. In view of the amount of information gathered during the visit which could not be analysed in an in-depth manner, the Special Rapporteur would like to encourage the Government to consider in a positive light a visit to the country by two other mechanisms of the Commission on Human Rights, namely the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women. The Government could thus take advantage of their expertise in these two fields which, in the Special Rapporteur's view, merit particular attention.

103. The Special Rapporteur welcomes the establishment of the ombudsman institution. He would, however, call upon the Government to provide this mechanism with the adequate human and financial resources to carry out the mandate effectively, with the independence required and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

104. Recognizing the progress made in reforming legislation related to the press, the Special Rapporteur would nevertheless strongly urge the Government to amend the defamation provisions of the Penal Code so as to make this offence no longer punishable by imprisonment and to redefine the concept of a press offence.

105. The Government is strongly encouraged to ensure that any restriction on the right to freedom of opinion and expression remains the exception, bearing in mind that such restrictions must be limited to those permissible under article 19 of the International Covenant on Civil and Political Rights. Future legislation in this field and its implementation should be in compliance with article 19 and other relevant international standards.

106. The Special Rapporteur urges the Government to promote the 1999 access to information law and to ensure its full implementation. The introduction of the subsidiary legal texts and the creation of internal mechanisms in government bodies would allow for a more effective implementation of this law and encourage citizens to exercise their right of access to information.

107. In the light of the financial difficulties which independent media are facing, the Special Rapporteur would recommend that the Government consider all necessary measures to limit financial pressure on these media by reducing taxes and providing funding facilities for a certain period of time for the newspapers concerned. This financial support should be accorded through the provision of a special autonomous fund operating on a non-discriminatory basis. Concrete initiatives should also be taken in order to assist newspapers, for instance in developing effective distribution systems. It is the view of the Special Rapporteur that the strengthening of free and independent media in Albania is a prerequisite for a sustainable democracy. Thus, while acknowledging the financial difficulties and constraints that the Albanian State is facing in the accomplishment of the transition, the Special Rapporteur believes that the development of a pluralistic printed press, free from interference by the State, political parties or other interests, is an integral part of the democratization process.

108. With regard to the difficult transition of the former State-funded Albanian Television and the financial problems faced by the new public television, the Special Rapporteur would recommend calling on other ministries to participate in the financing of programmes relevant to them and on writers and artists to create specific programmes on a cost- and profit-sharing basis. The Special Rapporteur is nevertheless of the view that direct government support for television should be restricted in order to avoid exclusive dependency on the State exchequer.

109. The Special Rapporteur urges the Government to take all necessary steps to ensure the continued independence of the National Council for Radio and Television so that this new body can accomplish its task without any political influence and to foster public confidence in the new system. In this regard, he would recommend to the Albanian Parliament that when considering potential candidates for the National Council for Radio and Television, consultation should be as wide as possible to ensure representation of different sectors of society, including NGOs, minority representatives, women and journalists' associations.

110. As far as the Albanian public television is concerned, the Special Rapporteur would request that efforts be made to ensure a balanced allocation of time between entertainment, educational programmes and reports from political parties and minorities.

111. In regard to the lack of credibility of the press, the Special Rapporteur would recommend the creation of a self-regulating complaints mechanism such as a press council, which would be independent of State bodies and the judiciary as well as objective and accessible. He would support the suggestion of Mr. Freimut Duve, OSCE Media Representative, after his mission to Albania in July 2000, to call on "international NGOs present in the country to start providing sessions for media professionals and in this way to try to lift the level of journalism in Albania".[4] The Special Rapporteur would strongly encourage local and international journalists' associations to contribute concretely to the process of raising journalistic ethics and improving the independent press in Albania.

112. The Special Rapporteur strongly urges the Government of Albania to ensure that there is no intimidation or harassment of persons seeking to exercise their right to freedom of opinion and expression, in particular journalists and political opponents. Steps should be taken to investigate promptly and independently any acts of violence brought to its notice, and those responsible should be brought to justice.

113. All policies and practices that discriminate against women and hinder their emancipation in Albanian society should be eliminated. The Special Rapporteur would urge the Government to raise public awareness on women's issues by publishing books and leaflets. The Government should also provide financial help to organizations initiating programmes to inform women about and protect them from domestic violence and prostitution. Particular attention should be given to legislative reforms related to the status of women and their access to employment.

114. While the Special Rapporteur notes with appreciation the measures taken by the Government to improve the right to freedom of opinion and expression of minorities, he would nevertheless urge the Government to prevent any patterns of prejudice and discriminatory attitudes towards minority groups from developing. The media should be used to improve the image of minorities in Albania, in particular the Roma population. Within the framework of the allocation of licences to radio and television stations that is currently taking place, the Special Rapporteur would recommend that particular attention be given to stations serving minority communities.

115. The Special Rapporteur encourages the Government to disseminate to the widest audience basic human rights instruments and information. He also recommends that the Government initiate and organize training in international human rights standards and practice for various groups of professionals, including government officials, members of Parliament and the judiciary, particularly with regard to the right to freedom of opinion and expression, and to ensure that international standards are applied in the respective areas of competence. In this regard, the Special Rapporteur welcomes the technical cooperation project that the Government is implementing in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) and UNDP in Albania, aiming at building sustainable capacities for human rights treaty reporting.

116. The Special Rapporteur considers the building of a human rights culture in Albania to be of extreme importance and, in this regard, he would recommend that specific time - at least once a week - be allocated for human rights issues to be presented in radio and television programmes. He would encourage the Government to support the print and broadcast media so that they can publish and produce programmes that will inform and educate the public. In this context, journalists themselves should be trained to play their crucial role in the dissemination of human rights issues through the media. Training of journalists is also required in order to increase their professionalism and the quality of their work. The Government may wish to consider benefiting from international expertise in designing and conducting training programmes in this area. The participation of international organizations such as OHCHR and the United Nations Educational, Scientific and Cultural Organization, which have valuable expertise in the field of the media, could also be encouraged.

Notes

[1] Article 19, Defining Defamation: Principles on Freedom of Expression and Protection of Reputation, London, 2000.

[2] Jeffrey A. Brezz, Assessment of the Albanian Private Television Industry, 29 January 1999. Study commissioned by the Soros Foundation Media Training Center and the United States Information Service (USIS).

[3] UNDP, Albanian National Women Report 1999.

[4] Remarks on Albania made to the OSCE Permanent Council on 16 November 2000.

Appendix

PERSONS WITH WHOM THE SPECIAL RAPPORTEUR MET DURING HIS VISIT

Officials

Thoma Gëllsi, Spokesperson, Prime Minister's Office

Sokol Gjoka, Spokesperson, Ministry of Foreign Affairs

Riza Poda, Special Representative for Human Rights, Ministry of Foreign Affairs

Adrian Dvorani, Head, Codification Department, Ministry of Justice

Sadil Canaj, Chef de Cabinet, Ministry of Public Order

Ermir Dobiani, Ombudsman

Arben Rakipi, Attorney General

Ardian Visha, Spokesperson for the Attorney General

Astrit Basha, Spokesperson, Cassation Court

Musa Ulgini, Vice-Chairman, Parliamentary Media Commission

Nikollë Lesi, member of Parliament, Parliamentary Media Commission

Professionals in the information sectors

Edward Mazi, General Director, Albanian Public Radio and Television

Aleksander Frangaj, Klan Television

Sefedin Cela, President, National Council for Radio and Television

Pirro Koci, Director, Technical and Programme Department, National Council for Radio and Television

Erion Brace, editor-in-chief, Zeri I Popullit newspaper

Open round table on the media with the participation of the following journalists:

Astrit Patozi, editor-in-chief, Rilindja Demokratike newspaper

Ylli Rakipi, editor-in-chief, Albania newspaper (independent opposition)

Fahri Balliu, editor-in-chief, 55 newspaper and Head of the League of Journalists

Roland Qafoku, Koha Jone newspaper

Ilir Goci, private television ATN1

Luiza Musta, Radio Tirana

Agron Bala, Director, Radio Kontakt

Alfons Zeneli, Shijak TELEVISION

Arben Leskaj, editor-in-chief Albanian Daily News

Remzi Lani, Executive Director, Albanian Media Institute

Gent Ibrahimi, Executive Director, Institute for Policy and Legal Studies

Ardian Dhima, Institute for Policy and Legal Studies

Non-governmental organizations

Arben Puto, President, Albanian Helsinki Committee

Elsa Ballauri, President, Albanian Human Rights Group

Altin Goxhaj, President, Albanian Youth Council

Capajev Gjokutaj, Executive Director, Soros/Open Society Foundation

Artur Metani, Law Programme Coordinator, Soros/Open Society Foundation

Shelly Markoff, Resident Adviser, International Research and Exchanges Board/ProMedia

Andrea Stefani, Media Coordinator, International Research and Exchanges Board/ProMedia

Ledi Bianku, Executive Director, European Centre

Aurela Hoxha, Director, Humanitarian Information Centre

Others

Ismaël Kadaré, writer

Fatos Lubonja, writer

Pjeter Arbnori, writer, member of Parliament, former President of the League of Writers

Sali Berisha, Leader, Democratic Party

Besnik Mustafaj, Secretary for Foreign Relations, Democratic Party

Giovanni Porta, Information Officer, OSCE

Siv Velmor, Human Rights Project Officer, OSCE

EtlevaVertopi, Programme Assistant in charge of women's issues, UNDP

Helen Darbishire, Open Society Institute, Budapest